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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,751	10/16/2003	Michael R. Furst	A2484KUSNP/XERZ201274US01	8683

62095 7590 05/25/2011
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EXAMINER

ESKANDARNIA, ARVIN

ART UNIT	PAPER NUMBER
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2453

MAIL DATE	DELIVERY MODE
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05/25/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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Patrick Roche
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Cleveland, OH 44115

In re Application of:
Furst et al.
Application No. 10/686751
Filed: October, 2003
For: Method and Apparatus for Enabling
Distributed Subscription Services, Supplies
Maintenance, and Device-Independent
Service Implementation

DECISION ON PETITION
UNDER 37 C.F.R. § 1.181

This is a decision on the petition filed May 6, 2011 under 37 CFR § 1.181 to invoke Supervisory Authority of the Commissioner and require the Examiner to withdraw the finality of the rejection mailed February 16, 2011.

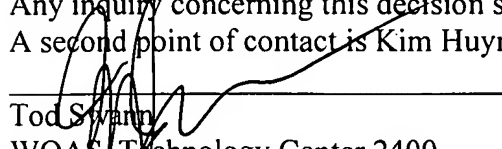
The Applicant's counsel filed a petition to the Director under 37 CFR § 1.181 to seek relief from actions of the Examiner in relation to the Final Office Action February 16, 2011. In the petition, Applicant's counsel alleged that the finality of the office action was improper because the final office action was not completely responsive to applicant's remarks.

A review of the file indicates that the petition is premature and untimely. A request for relief under 37 CFR § 1.181 should only happen after a request for reconsideration has occurred and the examiner has maintained their position and that relief should be asked for within 2 months of the examiners action. The file indicates that no request for reconsideration on the finality of the February office action has occurred.

Accordingly, the petition is **Dismissed**.

The file is being forwarded to the examiner to treat substance of the petition as a request for reconsideration of the finality of the February office action. When the examiner responds to the May 12, 2011, after final submission, the substance of the petition will also be treated.

Any inquiry concerning this decision should be directed to Tod Swann at (571) 272-3612. A second point of contact is Kim Huynh whose number is (571) 272-4147.


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